

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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ROBERT DEMARCO, on behalf of himself and
all others similarly situated,

Plaintiff,

-against-

Docket No. 19-cv- 1910

DYNAMIC RECOVERY SOLUTIONS, LLC,
LVNV FUNDING LLC,
RESURGENT CAPITAL SERVICES L.P.
And SHERMAN FINANCIAL GROUP, LLC,

Defendants.

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NOTICE OF REMOVAL OF ACTION

TO: THE CLERK OF THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NEW YORK

PLEASE TAKE NOTICE that pursuant to 28 U.S.C. section 1441, *et seq.* defendants, DYNAMIC RECOVERY SOLUTIONS, LLC; LVNV FUNDING, LLC; RESURGENT CAPITAL SERVICES L.P. and SHERMAN FINANCIAL GROUP, LLC, remove this civil action from the Supreme Court of the State of New York, County of Suffolk, to the United States District Court for the Eastern District of New York.

I. PROCEEDINGS TO DATE

On or about November 18, 2018, plaintiff, ROBERT DEMARCO, filed a summons with notice, in the civil action captioned ROBERT DEMARCO, on behalf of himself and all others similarly situated, v. Dynamic Recovery Solutions, LLC; LVNV Funding LLC; Resurgent Capital Services L.P. and Sherman Financial Group, LLC .

Index No. 622713/2018 in the Supreme Court of the State of New York, County of Suffolk. Defendant, DYNAMIC RECOVERY SOLUTIONS, LLC, was served with the summons with notice on March 15, 2019, and defendants, LVNV FUNDING LLC; RESURGENT CAPITAL SERVICES, L.P. and SHERMAN FINANCIAL GROUP, LLC, were served with the summons with notice on March 13, 2019.

Copies of all pleadings and other papers plaintiff previously filed with the Supreme Court of the State of New York, County of Suffolk, are annexed hereto as Exhibit “A,” as required by 28 U.S.C. Section 1446.

II. GROUND FOR REMOVAL

The Court has original jurisdiction over this action because this action arises under a Law of the United States. See 28 U.S.C. Section 1331. This action arises under the Fair Debt Collection Practices Act, 15 U.S.C. Section 1692 et seq. (See Exhibit “A”). Accordingly, pursuant to 28 U.S.C. Section 1331, this Court has original jurisdiction over this case.

III. VENUE

Plaintiff’s action is pending in the Supreme Court of the State of New York, County of Suffolk, which is within this judicial district and division. 28 U.S.C. Section 112(c). The United States District Court for the Eastern District of New York is the District Court and Division within which defendants may remove this action, pursuant to 28 U.S.C. Section 1441(a) and within which defendants must file this Notice of Removal, pursuant to 28 U.S.C. Section 1446(a).

IV. TIMELINESS

This Notice of Removal is timely filed. This notice of Removal complies with 28 U.S.C. Section 1446(b).

V. NOTICE

Pursuant to 28 U.S.C. Section 1446(b), defendants are simultaneously filing a copy of this Notice of Removal with the Supreme Court of the State of New York, County of Suffolk. Plaintiff's counsel is also being served with a copy of this Notice of Removal.

VI. CONCLUSION

For the foregoing reasons, DYNAMIC RECOVERY SOLUTIONS, LLC; LVNV FUNDING LLC; RESURGENT CAPITAL SERVICES, L.P. and SHERMAN FINANCIAL GROUP, LLC, respectfully request that this action, previously pending in the Supreme Court of the State of New York, County of Suffolk, be removed to this Court, and that this Court proceed as if this case had been originally initiated in this Court.

Dated: New City, New York
April 3, 2019

Respectfully submitted,



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